

REMARKS

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 9, 11-19, 29, 47, 49-51, 53, and 59-76 are now in the application with claims 9, 11, 19, 29, 59, and 68 being independent. New claims 59-76 have been added. No new matter has been added. The Office's rejections are respectfully traversed.

Allowable Subject Matter

Claims 11-18, 49, and 50 have been allowed (Action of March 21, 2008 at page 6) and the Examiner is respectfully thanked. New claim 59 includes subject matter similar to that of claim 11 and should be allowable for at least similar reasons. Claims 60-67 depend from claim 59 and therefore are allowable based at least on claim 59. Further, claim 68 also includes subject matter similar to that of claim 11 and should be allowable for at least similar reasons. Claims 69-76 depend from claim 68 and therefore are allowable based at least on claim 68.

Rejection Under 35 U.S.C. §103(a)

Claims 9, 19, and 29 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,625,619 to McClendon et al. in view of "A Generalized Online Delivery Paradigm for XML Information by Lecluse ("Lecluse"). Further, claims 47, 51, and 53 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McClendon et al. in view of Lecluse, and further in view of U.S. Patent No. 5,864,865 to Lakis. These contentions are respectfully traversed.

It is noted that the first page of Lecluse shows a date of November 1998. However, nothing indicates that the reference was publicly available on that date. To the contrary, Lecluse reflects as source information “Datasheets and Databooks at Fairchild Semiconductor.” The only data indicating public accessibility is the time and date stamp appearing at the bottom of the reference, which reads (emphasis added) “<http://www.infoloom.com/gcaconfs/WEB/chicago98/lecluse.HTM> (1 of 10)3/18/08 6:31:03 AM.” Based on the demonstrated date of public accessibility, Lecluse has not been properly established as a §103 reference. Nonetheless, for the sake of expedience, the proposed combination of McClendon et al. and Lecluse is traversed.

Claim 9 recites (emphasis added) “...retrieving the file; retrieving a shadow file having a filename comprising the filename of the file and containing information about the file but not contained in the file; accessing a parameter stored in the shadow file to determine that the shadow file is to be displayed; and displaying one or more items of information included in the shadow file based on the parameter.”

The Office (Action of March 21, 2008 at page 4) concedes that McClendon et al. fail to teach “accessing a parameter stored in the shadow file to determine that the shadow file is to be displayed” and displaying information included in the shadow file “based on the parameter.” However, the Office (*Id.*) asserts that (emphasis added) “Lecluse teaches an XML file that includes within the file a parameter that indicates portions of the XML file to be displayed (See Lecluse, Page 7, second example).” Lecluse fails to disclose the claimed subject matter.

Lecluse (page 7) discloses as an example “A Template Displaying an XML Fragment.” However, Lecluse does not teach accessing a parameter stored in the shadow file to determine that the shadow file is to be displayed. Rather, the cited example (*Id.*) states (emphasis added)...

In this example, the template takes a required parameter called “module”. This parameter contains the name (identifier) of a module in the repository. It generates an HTML page with a top and bottom rule, and triggers the rendering style sheet called “default” on the given module. All tags produced by applying the rendering style sheet on the module are inserted in place of the DP:RENDER tag.

Further, Lecluse (*Id.*) teaches that a template can be used for (emphasis added) “Applying a Rendering Style Sheet to XML data to render that data using HTML markup.”

Thus, Lecluse teaches using a template to generate an HTML page. Lecluse also teaches that the template includes a parameter that identifies the name of a module to which a rendering style sheet is applied to generate, at least in part, the HTML page. However, the parameter included in the template (*i.e.*, the name of a module) is not accessed to determine that the template is to be displayed. To the contrary, the parameter is accessed to identify a module in a repository. For example, Lecluse (page 3) discloses that (emphasis added) “A module corresponds to an actual document or part of a document to be published.” As such, Lecluse teaches that the parameter included in the template is used to identify a separate document that is used to generate an HTML page. Accordingly, Lecluse does not disclose or suggest accessing the parameter stored in the shadow file to determine that the shadow file is to be displayed, as recited in claim 9.

Moreover, Lecluse does not teach displaying one or more items of information included in the shadow file. Rather, Lecluse (page 6) teaches that (emphasis added)...

When processing data that is already structured (such as XML objects extracted from a database or stored in the XML Repository), a template can invoke a Rendering Style Sheet to transform the XML data into a display structure (today an HTML fragment) before placing the data in the page at the appropriate position.

Thus, Lecluse teaches that a template identifies data contained in a separate XML data source that is to be included in an HTML page. Further, Lecluse teaches that the template invokes a rendering style sheet to transform that separate XML data into HTML that can be displayed. However, Lecluse does not teach displaying an item of information included in the template. Rather, Lecluse (*Id.*) teaches that (emphasis added) "...templates specify which data goes into a page and where that data should be displayed." Using a template to specify the content and placement of data in an HTML page is not equivalent to displaying an item of information included in the template. Accordingly, Lecluse also does not disclose or suggest displaying one or more items of information included in the shadow file based on the parameter, as recited in claim 9.

Further, the Office (Action of March 21, 2008 at page 3) concedes that McClendon et al. do not "teach expressly that the shadow or companion file includes the file name of the file." Lecluse also fails to disclose or suggest the claimed subject matter. However, the Office (*Id.*) asserts that (emphasis added)...

...it was generally well known at the time of the invention to name [a] file containing property set data, such as an XML file associated with an HTML file,

identically to the file it defines, differing only in the file extension, it would have been obvious to assume that the shadow or companion file includes the file name of the HTML file.

The Office does not state that it is taking official notice regarding a shadow file having a filename comprising the filename of the file.

Nonetheless, taking official notice with respect to claim 9 would be inappropriate because the subject matter is not capable of instant and unquestionable demonstration as being well-known. MPEP §2144.03 A. states (underlining added for emphasis)...

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

Accordingly, the Office is respectfully requested to either withdraw the rejection for at least this reason or to provide documentary evidence in support of its assertion that (emphasis added)

“...it was generally well known...to name [a] file..., such as an XML file associated with an HTML file, identically to the file it defines.”

Moreover, Lakis does not cure the deficiencies of McClendon et al. and Lecluse. For example, Lakis (Col. 1, lines 12-29 and Col. 2, lines 16-23) is directed to graphically displaying management information base listings for use in network management. Lakis does not disclose a shadow file or accessing a parameter stored in the shadow file to determine whether the shadow file is to be displayed.

For at least these reasons, claim 9 is patentable over McClendon et al. in view of Lecluse. Claim 47 depends from claim 9 and therefore is allowable at least based on claim 9. Further, claims 19 and 29 include subject matter similar to that of claim 9. Therefore, claims 19 and 29 are allowable for at least the reasons discussed with respect to claim 9. Additionally, claims 51 and 53 depend from claims 19 and 29, respectively. Accordingly, claims 51 and 53 are allowable at least based on claims 19 and 29.

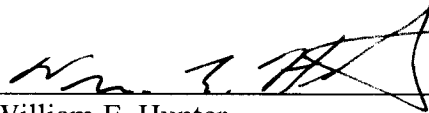
Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the above remarks, all of claims 9, 11-19, 29, 47, 49-51, 53, and 59-76 should be in condition for allowance, and a formal notice of allowance is respectfully requested. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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